

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:15-CR-322-H

UNITED STATES OF AMERICA)
)
 v.) **ORDER OF DETENTION PENDING**
) **TRIAL**
)
 JOSHUA BOWER,)
)
 Defendant.)

This case came before the court today for hearing on the government's motion, pursuant to 18 U.S.C. § 3142(f), to detain defendant pending trial. (See D.E. 17). Defendant is charged in a 16-count indictment with: one count of conspiracy to commit Hobbs Act robbery between about 15 July 2014 and 22 August 2014, in violation of 18 U.S.C. §1951 (ct. 1); seven counts of Hobbs Act robbery, and aiding and abetting the same, between about 16 July 2014 and 21 August 2014, in violation of 18 U.S.C. §§1951 and 2 (cts. 2, 4, 6, 8, 10, 12, 14); seven counts of use and carrying of a brandished firearm, and aiding and abetting the same, each allegedly committed during and in relation to one of the alleged robberies, in violation of 18 U.S.C. §§924(c) and 2 (cts. 3, 5, 7, 9, 11, 13, 15); and one count of possession of a firearm by a convicted felon on about 22 August 2014, in violation of 18 U.S.C. §§922(g)(1) and 924 (ct. 16). Given the nature of some of the charges (*i.e.*, the § 924(c) counts), the rebuttable presumption of detention in 18 U.S.C. § 3142(e)(3) applies.

At the hearing, defendant presented no evidence. He therefore failed to rebut the presumption of detention. In accordance with the presumption, the court finds that there is no condition or combination of conditions that will reasonably assure the appearance of defendant

as required and the safety of the community if he is released before trial. The government's motion is accordingly GRANTED.

IT IS THEREFORE ORDERED that:

1. The government's motion is GRANTED.
2. Defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

This 10th day of November 2015.



James E. Gates
United States Magistrate Judge